

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ANTOINE MANSON,

Plaintiff,

v.

B&S TRUCKING OF JACKSON, LLC;
MARIEL ARIAS-PADILLA.

Defendants.

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CIVIL NO. 5:21-CV-1181-XR

**DEFENDANTS' SUPPLEMENTAL AND/OR AMENDED OBJECTIONS TO
PLAINTIFF'S RULE 26 TESTIMONY OFFERS**

TO THE HONORABLE JUDGE OF SAID COURT:

B&S TRUCKING OF JACKSON, LLC and MARIEL ARIAS-PADILLA, Defendants, file their Supplemental and/or Amended Objections to Plaintiff's Rule 26 Testimony Offers and would show the Court the following:

I.

Deposition of Stephen Earle, M.D.

Defendants object to the entire deposition and testimony of Stephen Earle, M.D. on the ground that Plaintiff did not comply with the Court's ruling regarding this witness. In that regard, Defendants request that the testimony be struck in its entirety.

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
7/11		7/22	Non-responsive.
8/18		8/24	Non-responsive.
10/2		10/14	Non-responsive.

11/10		12/3	Leading.
12/7		12/24	Non-responsive.
14/11		14/22	Leading, and excluded by previous ruling of the Court for this witness.
15/11		16/03	Non-responsive, and excluded by previous ruling of the Court for this witness.
18/2		18/9	Non-responsive.
18/17		19/4	Leading.
22/17		23/2	Excluded by previous ruling of the Court for this witness.
23/9		23/16	Non-responsive, leading, and excluded by previous ruling of the Court for this witness.
23/21		30/20	Non-responsive, leading, and excluded by previous ruling of the Court for this witness.
31/9		38/3	Non-responsive, leading, and excluded by previous ruling of the Court for this witness.
37/17		37/23	Asked and answered.
40/8		40/18	Non-responsive.
40/20		49/21	Non-responsive, foundation, leading, and excluded by previous ruling of the Court for this witness.
52/18		53/01	Leading, and excluded by previous ruling of the Court for this witness.
53/15		57/24	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
58/6		64/1	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
64/18		67/23	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
68/4		68/23	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
69/1		76/02	Leading, non-responsive, and

			excluded by previous ruling of the Court for this witness.
79/13		80/24	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
82/10		97/16	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
97/22		109/25	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.
264/4		268/25	Leading, non-responsive, and excluded by previous ruling of the Court for this witness.

II.

Deposition of Dennis R. Gutzman, M.D.

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
10/15		10/21	Leading
12/6		12/13	Leading.
12/19		13/16	Leading, foundation, outside scope of treating doctor.
13/23		15/1	Leading, foundation, outside scope of treating doctor.
16/15		16/20	Leading.
17/2		17/19	Speculation, foundation, outside scope of treating doctor.
21/3		21/14	Speculation, foundation, outside scope of treating doctor.
22/16		26/25	Foundation, outside scope of treating doctor.
27/11		27/24	Foundation, outside scope of treating doctor.
28/8		29/3	Foundation, outside scope of treating doctor.
31/24		32/9	Foundation, outside scope of treating doctor.
47/20		47/25	Foundation, outside scope of treating doctor, FRE 702.
63/11		64/19	Speculation, non-responsive.

III.

Deposition of Adam Martinez

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
20/20		21/14	Leading, compound, vague and confusing, hearsay, speculation.
23/5		24/17	Bolstering, hearsay, vague and confusing, speculation.
24/20		26/23	Bolstering, hearsay, speculation, vague and confusing, non-responsive.
27/18		28/18	Foundation, FRE 702, speculation, non-responsive.
35/11		37/12	Foundation, FRE 702, speculation, non-responsive.
58/6		59/1	Bolstering, speculation, foundation, non-responsive.

IV.

Deposition of Russell Gill

Defendants object to the entire deposition and testimony of Russell Gill on the ground that he did not “reconstruct” this accident as that term is applied in the field of accident reconstruction. In that regard, Defendants request that the testimony be struck in its entirety.

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
21/25		22/5	Leading.
24/3		30/1	Leading, vague and confusing, reading testimony, bolstering, speculation, non-responsive.
33/18		33/25	Leading.
38/1		38/11	Non-responsive.

41/5		57/11	Leading, vague and confusing, reading from report, FRE 702, speculation, non-responsive, hearsay.
57/19		62/25	Leading, vague and confusing, reading from report, FRE 702, speculation, non-responsive, hearsay, testimony already excluded by court regarding legal opinions.
232/17		233/1	Speculation, foundation, FRE 702.
234/9		235/7	Speculation, foundation, FRE 702, testimony already struck by court regarding legal opinions.
239/15		242/14	Relevance, direct negligence claims are dismissed.

V.

Deposition of Kerry Nelson

Defendants object to the entire deposition and testimony of Kerry Nelson on the ground that virtually all of the designated testimony has already been struck by the Court's granting summary judgment on all direct negligence claims against B&S Trucking of Jackson, LLC. Plaintiff has not even attempted to exclude testimony that clearly violates the Court's rulings regarding 1) what this witness can testify about; and 2) the dismissal of the direct negligence claims against B&S Trucking. In that regard, Defendants request that the testimony be struck in its entirety.

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
15/4		15/12	Leading, objections, compound
21/19		22/9	Foundation, FRE 702, legal opinions, testimony already

			excluded regarding cause or accident and direct negligence claims.
23/20		25/16	Foundation, FRE 702, legal opinions, testimony already excluded regarding cause or accident and direct negligence claims.
25/20		39/7	Foundation, FRE 702, legal opinions, testimony already excluded regarding cause or accident and direct negligence claims.
39/14		51/24	Foundation, FRE 702, legal opinions, testimony already excluded regarding cause or accident and direct negligence claims.
52/16		154/10	Foundation, FRE 702, legal opinions, testimony already excluded regarding cause or accident and direct negligence claims.

VI.

Deposition of John Swiger

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
12/20		13/2	Leading.
14/8		15/10	Leading.
15/25		16/15	Leading.
18/15		19/11	Leading.
28/6		28/21	Leading, compound, vague and confusing.
30/10		30/14	Leading.

32/4		32/16	Leading.
37/4		37/17	Leading.
38/5		38/9	Leading.
39/21		40/24	Leading.

VII.

Deposition of Bogdan Sieczkowski

Defendants object to the entire deposition of Bogdan Sieczkowski on the ground that all testimony from this witness would only relate to Plaintiff's dismissed claims of direct negligence against B&S Trucking of Jackson. In that regard, Defendants request that the testimony be struck in its entirety.

VIII.

Deposition of Andrew Sievers

Andrew Sievers was Defendants' expert witness in the field of trucking safety and DOT compliance. Since the direct negligence claims against B&S Trucking of Jackson have been dismissed, virtually all testimony from this witness is irrelevant and should be excluded. The admission of such testimony would be confusing, could mislead the jury, and would unduly waste time. In that regard, Defendants request that the testimony be struck in its entirety.

IX.

Deposition of Mariel Arias-Padilla (August 6, 2022)

PAGE/LINE	TO	PAGE/LINE	BASIS FOR OBJECTION
23/12		24/22	Relevance.
31/16		32/16	Relevance.

39/15		40/4	Relevance.
58/12		58/24	Relevance.
59/14		59/20	Relevance.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served in accordance with the Federal Rules of Civil Procedure on this the 26 day of November 2024, to the following counsel of record:

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